

Introduced by Senator FigueroaFebruary 18, 2005

An act to amend Section 14100.2 of the Welfare and Institutions Code, relating to Medi-Cal.

LEGISLATIVE COUNSEL'S DIGEST

SB 537, as introduced, Figueroa. Medi-Cal: administration.

Existing law provides for the Medi-Cal program, which is administered by the State Department of Health Services and under which qualified low-income persons receive health care benefits.

Existing law provides for the confidentiality of information concerning a person, made or kept by any public officer or agency in connection with the administration of the Medi-Cal program.

This bill would make technical, nonsubstantive changes to this provision.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 14100.2 of the Welfare and Institutions
- 2 Code is amended to read:
- 3 14100.2. (a) All types of information, whether written or oral,
- 4 concerning a person, made or kept by any public officer or
- 5 agency in connection with the administration of any provision of
- 6 this chapter, Chapter 8 (commencing with Section 14200), or
- 7 Chapter 8.7 (commencing with Section 14520) and for which a
- 8 grant-in-aid is received by this state from the United States
- 9 government pursuant to Title XIX of the Social Security Act
- 10 shall be confidential, and shall not be open to examination other

1 than for purposes directly connected with the administration of
2 the Medi-Cal program. However, in the context of a petition for
3 the appointment of a conservator for a person with respect to
4 whom this information is made or kept, and in the context of a
5 criminal prosecution for a violation of Section 368 of Penal Code
6 with respect to ~~such a~~ *that* person, ~~all~~ *both* of the following shall
7 apply:

8 **A**

9 (1) A public officer or employee of ~~any such~~ *the* agency may
10 answer truthfully, at any proceeding related to the petition or
11 prosecution, when asked if he or she is aware of information that
12 he or she believes is related to the legal mental capacity of that
13 aid recipient or the need for a conservatorship for that aid
14 recipient. ~~If~~

15 (2) *If* the officer or employee states that he or she is aware of
16 this information, the court may order the officer or employee to
17 testify about his or her observations and to disclose any relevant
18 agency records if the court has an other independent reason to
19 believe that the officer or employee has information that would
20 facilitate the resolution of the matter.

21 (b) Except as provided in this section and to the extent
22 permitted by federal law or regulation, all information about
23 applicants and recipients as provided for in subdivision (a) to be
24 safeguarded includes, but is not limited to, names and addresses,
25 medical services provided, social and economic conditions or
26 circumstances, agency evaluation of personal information, and
27 medical data, including diagnosis and past history of disease or
28 disability.

29 (c) Purposes directly connected with the administration of the
30 Medi-Cal program, Chapter 8 (commencing with Section
31 14200), or Chapter 8.7 (commencing with Section 14520)
32 encompass those administrative activities and responsibilities in
33 which the State Department of Health Services and its agents are
34 required to engage to insure effective program operations. These
35 activities include, but are not limited to, establishing eligibility
36 and methods of reimbursement, determining the amount of
37 medical assistance, providing services for recipients,
38 conducting or assisting an investigation, prosecution, or civil or
39 criminal proceeding related to the administration of the
40 Medi-Cal program, and conducting or assisting a legislative

1 investigation or audit related to the administration of the
2 Medi-Cal program.

3 (d) Any officer, agent, or employee of the State Department of
4 Health Services or of any public agency shall provide the Joint
5 Legislative Audit Committee and the State Auditor with any and
6 all the information described in subdivision (b) within a
7 reasonable period of time as determined by the committee in
8 consultation with the State Department of Health Services, after
9 receipt of a request from the committee approved by a majority
10 of the members of the committee. The Joint Legislative Audit
11 Committee and the State Auditor may use that information only
12 for the purpose of investigating or auditing the administration of
13 the Medi-Cal program, Chapter 8 (commencing with Section
14 14200), or Chapter 8.7 (commencing with Section 14520), and
15 shall not use that information for commercial or political
16 purposes. In any case where disclosure of information is
17 authorized by this section, the Joint Legislative Audit Committee
18 or the State Auditor shall not disclose the identity of any
19 applicant or recipient, except in the case of a criminal or civil
20 proceeding conducted in connection with the administration of
21 the Medi-Cal program.

22 (e) The access to information provided in subdivision (d) shall
23 be permitted only to the extent and under the conditions provided
24 by federal law and regulations governing the release of ~~such~~ *that*
25 information.

26 (f) The State Department of Health Services may make rules
27 and regulations governing the custody, use and preservation of
28 all records, papers, files, and communications pertaining to the
29 administration of the laws relating to the Medi-Cal program,
30 Chapter 8 (commencing with Section 14200), or Chapter 8.7
31 (commencing with Section 14520). The rules and regulations
32 shall be binding on all departments, officials, and employees of
33 the state, or of any political subdivision of the state and may
34 provide for giving information to or exchanging information with
35 agencies; *or* public or political subdivisions of the state, and may
36 provide for giving information to or exchanging information with
37 agencies, public or private, which are engaged in planning,
38 providing, or securing ~~such~~ *the* services for or in behalf of
39 recipients or applicants, and for making case records available
40 for research purposes, ~~provided, that if~~ that research will not

1 result in the disclosure of the identity of applicants for or
2 recipients of those services.

3 (g) (1) Upon request, the department shall release to the
4 negotiator established pursuant to Article 2.6 (commencing with
5 Section 14081) all computer tapes and any modifications thereto,
6 including paid claims, connected with the administration of the
7 Medi-Cal program—~~which~~ *that* are in the possession or under the
8 control of the department, including tapes prepared prior to the
9 effective date of this section.

10 ~~To~~

11 (2) *To* ensure compliance with federal law and regulations,
12 the department shall make the minimum necessary modifications
13 to its computer tapes prior to releasing the tapes to the negotiator
14 in order to assure the confidentiality of the identity of all
15 applicants for, or recipients of, those services. The department
16 shall not make any modifications to paid claims tapes that affect
17 information regarding beneficiaries' aid categories or counties of
18 origin.

19 (h) Any person who knowingly releases or possesses
20 confidential information concerning persons who have applied
21 for or who have been granted any form of Medi-Cal benefits or
22 benefits under Chapter 8 (commencing with Section 14200) or
23 Chapter 8.7 (commencing with Section 14520) for which state or
24 federal funds are made available in violation of this section is
25 guilty of a misdemeanor.